

October 20, 2003

VIA COURIER AND ELECTRONIC MAIL

Mary L. Cottrell, Secretary
Department of Telecommunications and Energy
One South Station
Second Floor
Boston, MA 02110

Re: D.T.E. 03-87 – Report of the Department of Telecommunications and Energy
relative to reducing the number of double utility poles within the Commonwealth,
pursuant to Chapter 46 of the Acts of 2003, Section 110

Dear Secretary Cottrell:

Please find enclosed for filing one (1) original and nine (9) copies of the written comments of Massachusetts Electric Company and Nantucket Electric Company (together, the “Company”) in the above-captioned docket. Please also find enclosed one (1) original Appearance of Counsel for the Company. Thank you very much for your time and attention to this matter.

Very truly yours,

Judy Y. Lee

cc: William Stevens, Hearing Officer
Joseph Rogers, Esq.

Massachusetts Electric Company
and
Nantucket Electric Company

Response to Request for Written
Comments on:

Report of the Department of
Telecommunications and Energy
relative to reducing the number of
double utility poles within the
Commonwealth, pursuant to Chapter
46 of the Acts of 2003, Section 110

October 20, 2003

Submitted to:
Massachusetts Department of
Telecommunications and Energy
D.T.E. 03-87

Submitted by:

Massachusetts Electric

A **National Grid** Company



Nantucket Electric

A **National Grid** Company



COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

| | | |
|--|---|--------------|
| |) | |
| Report of the Department of Telecommunications and |) | |
| Energy relative to reducing the number of double |) | |
| utility poles within the Commonwealth, pursuant to |) | D.T.E. 03-87 |
| Chapter 46 of the Acts of 2003, Section 110. |) | |
| |) | |

COMMENTS OF
MASSACHUSETTS ELECTRIC COMPANY
AND
NANTUCKET ELECTRIC COMPANY

Executive Summary

Although almost all poles in Massachusetts are owned by electric distribution utilities (“Electric Utilities”) and incumbent local exchange carriers (“Telephone Utilities”), with approximately ninety percent of these poles being owned jointly by the Electric and Telephone Utilities, many more parties, such as cable television and telecommunications companies, use and attach facilities to the poles. Double poles are created when an existing pole requires replacement, and the facilities on the existing pole cannot be transferred to the new pole immediately. The transfer of facilities from an existing pole to a new pole is challenging due to the multiple parties attached to the pole and the limited contractual rights, in the case of joint pole owners or private attachers, or non-existent contractual or statutory rights, in the case of municipalities, pole owners possess to enforce the timely transfer of facilities from the existing pole to the new pole.

As of October 6, 2003, as reported by the Pole Lifecycle Management (“PLM”) system, approximately 11,694 double poles exist in Massachusetts Electric Company and Nantucket Electric Company’s (together, “MECO”) system. Of these 11,694 double poles, 529 are ready for removal by MECO and 1,997 are ready for MECO to transfer its facilities. These numbers represent an increase of approximately twenty percent in the number of double poles (1,924 poles) in MECO’s service territory and a four percent decrease in the number of poles (100 poles) awaiting action by MECO, as compared to the numbers reported by PLM in February 2003 when MECO first began using PLM. This period includes the summer construction season when most pole sets occur. During this period, approximately 3,574 double poles were set and approximately 2,013 double poles were removed. These figures include both poles that are solely owned by MECO and poles that are jointly owned by MECO and Verizon MA.

MECO has taken several steps that demonstrate its commitment to addressing the double pole situation. First, MECO has hired a contractor to remove the poles that are ready for removal by MECO, and has a contract out for bid for its pole transfer work. Second, MECO believes that an internal policy change promoting greater use of the “cut and kick” method of pole replacement, described in greater detail in Section VI(B), will be an invaluable tool in controlling the proliferation of double poles in its service territory. Finally, MECO is utilizing PLM to help manage its double poles and is participating in the PLM Working Group to improve PLM’s performance and functionality for all involved parties. MECO firmly believes that proper utilization of PLM by all involved parties will effectively reduce the number of double poles in MECO’s service territory.

MECO has utilized PLM since February 2003, but due to the complexity of the system, the number of parties, the multiple data entry points, and the sheer amount of data involved, the full potential of the system will take time to be realized fully.

Double pole issues must be managed at the statewide level to ensure consistent rules and processes for utilities throughout their service territories. Issues surrounding double poles do not affect municipalities individually, since the utilities and other service providers attached to poles serve customers throughout many municipalities. Indeed, a single distribution line that is undergoing an upgrade, with pole replacements, may traverse several communities. Local enforcement of double pole regulations will only result in a patchwork quilt of inconsistent rules that will make compliance by utilities extraordinarily difficult. Municipalities also do not generally possess the resources to adequately administer or enforce double pole regulations.

MECO believes that the process of managing double pole issues can be improved by utilizing PLM to the system’s full potential. This can be achieved through enhanced communication and transfer work coordination, accurate and timely data entry, and the performance of fine-tuning adjustments to PLM to meet the needs of its users, keeping in mind that PLM was originally conceived as a double pole management tool, not as a statistical reporting tool. MECO also believes that double poles can be reduced by using the “cut and kick” method of pole replacement whenever possible.

MECO strongly recommends legislative and regulatory restraint at this time to give pole owners and attachers an opportunity to improve double pole issue management through the use of the PLM system and the implementation of the other recommendations made in these Written Comments. Should the Department determine that further action is necessary, MECO urges the Department to adopt a model that focuses on the party responsible for the delay in transferring facilities from the existing pole to the new pole, rather than the pole owner, as some municipalities have suggested. Should an attaching party fail to transfer its facilities in a timely manner, utilities should be given the authority to transfer these facilities at the noncompliant party’s expense. Regulatory enforcement of double pole issues must be on a statewide basis to ensure uniformity and consistency of application. In addition, the town of Lexington’s request for facilities transfer/pole removal authority and the power to assess the utilities civil fines should not

be granted. Utilities should not be fined for the (in)action of parties not subject to their control, and municipalities lack the expertise and experience to adequately and safely perform facilities transfer and pole removal work. Moreover, the town of Lexington's proposal to credit any fines or the costs of any facilities transfer/pole removal work against their utility bills would amount to a taking of utility property without due process.

I. Introduction

Section 110 of Chapter 46 of the Acts of 2003, enacted on July 31, 2003 ("Section 110"), requires the Department to issue a report relative to reducing the number of double utility poles within the Commonwealth to the Legislature's Committees on Ways and Means and the Legislature's Joint Committee on Government Regulations by November 28, 2003. The report must include: (1) Department recommendations and proposed legislation for the enforcement of G.L. c. 164, § 34B (utility companies required to remove old poles within ninety days of the installation of the new pole), including penalties and waivers, and (2) an analysis of whether local enforcement by ordinance or by-law is preferable to statewide enforcement of G.L. c. 164, § 34B. In response to the legislative mandate, the Department issued an Order of Notice in this docket on September 10, 2003 ("Order"), which included a Notice of Public Hearing and Request for Comments. The Department held a public hearing and technical conference on September 30, 2003 ("Public Hearing and Technical Conference") to receive comments on the Department's Section 110 report. On October 2, 2003, following the public hearing and technical conference, the Department issued a Memorandum ("Memorandum") to Massachusetts utility companies requesting additional information. MECO respectfully provides the following Written Comments in response to the Order, the issues raised at the Public Hearing and Technical Conference, and the Memorandum.

II. Overview of Double Pole Issues

A. Pole Ownership and Attachments

Electric and/or Telephone Utilities own the vast majority of poles serving a given geographic area, and use the poles to install their respective electric and telephone facilities. In Massachusetts, about ninety percent of poles are owned jointly by the Electric and Telephone Utilities. As pole owners, Electric and Telephone Utilities are obligated to provide cable television and telecommunications companies with access to poles for the installation of cable television or telecommunications service provider facilities and the performance of cable television or telecommunications service provider system upgrades. Similar to the Electric and Telephone Utilities, a cable television company is usually attached to most of the poles in the areas it serves. This mandatory provision of pole access by the Electric and/or Telephone Utilities often entails the replacement of poles by the Electric and/or Telephone Utility. Competitive telecommunications service providers, dark fiber providers, municipal fire alarm systems, and private telecommunications systems are also attached to poles in some areas of Massachusetts.

B. Double Pole Causes

When an existing pole is replaced, a new pole is installed adjacent to the existing pole, resulting in the creation of a “double pole.” The existing pole cannot be removed until all attached facilities on the existing pole have been transferred to the new pole. Transfers usually start from the facilities located at the top of the pole and proceed downwards. When the transfer of a given attacher’s facilities is completed, a small section of the pole is removed to allow the next attacher’s facilities to be transferred.¹ The coordination and completion of these transfers poses a challenge because of the multiple parties involved and the lack of transfer enforcement mechanisms, as described in the next section, but all facilities must be transferred before the existing pole can be removed.

Pole replacements occur for a number of reasons, but the most frequent causes of pole replacement are the following: (i) damage to the pole caused by adverse weather or a vehicle collision, (ii) deterioration in service, (iii) additions to or upgrades of the facilities attached to the poles, or (iv) relocation of poles necessitated by road or highway projects. For reasons of safety and reliability, Electric and Telephone Utilities cannot postpone the replacement of poles that are damaged or suffering from deterioration in service. Electric and Telephone Utilities are obligated to provide service to new customers, meet the service needs of existing customers, and maintain adequate service reliability to all customers. Electric and Telephone Utilities are also obligated to provide cable television and competitive telecommunications service providers with access to their poles, which sometimes requires upgrades of existing facilities or make ready work and new, taller pole installations to accommodate such access. In recent years, the number of parties desiring access to poles has increased exponentially, and this trend has played a part in the proliferation of double poles as Electric and Telephone Utilities have scrambled to keep up with this demand. When poles must be relocated due to road and highway projects, the public works project dictates the schedule for pole replacement.

C. Pole Use and Control

Pole owners have very limited control over the parties attached to their poles. What little control pole owners do possess results from contracts between pole owners and the attachers. In order for pole owners to meet the ninety-day deadline for removing double poles, joint owners, cable television companies, telecommunications service providers, municipalities, and other parties attached to the pole must complete the transfer of their attachments from the existing pole to the new pole in a timely manner.

The agreement between MECO and its joint pole owner, Verizon MA, gives MECO very little control over Verizon MA with respect to their jointly owned poles. Under this agreement, each pole owner is responsible for installing specific poles, removing specific poles, and transferring its respective facilities to new poles. The agreement does not give either party oversight power over work performed by the other party, nor the right to perform work on behalf of the other party. The agreement does not

¹ See Section VI(B) for a more detailed description of pole replacement methods.

provide any self-help enforcement mechanisms when one party fails to perform its duties pursuant to the agreement. The only enforcement provisions in the agreement allow one party to notify the other party of a default under the agreement, allow sixty days for the defaulting party to cure the default, and only then allow the notifying party to take action to cure the default. Combined with the periods allowed for transfers of all facilities on a pole, this sixty-day cure period does not allow compliance with the ninety-day statutory deadline.

MECO also has agreements with cable television companies, telecommunications service providers, and private attachers governing their respective attachments. Pursuant to these agreements, if the attacher's facilities need to be transferred to a new pole, MECO will notify the attaching party of its contractual obligation to transfer its facilities. If the attacher does not complete the transfer within the timeframe allowed by the agreement (generally fifteen or thirty days), MECO may perform the transfer at the attacher's expense. MECO has not often availed itself of the option to perform such transfers because of the unlikelihood of actually recovering these expenses, the administrative difficulty of attempting to collect the costs of such transfers, and a lack of expertise in communications technologies. If MECO began to perform and bill for such transfers regularly without explicit statutory or regulatory authority, the Department's repeated intervention would likely be necessary to resolve a significant number of disputes between pole owners and attachers. Further, in instances such as road widening projects, performing such transfers may not be practicable due to the need to interrupt service and splice in additional cable.

Finally, municipal fire alarm systems installed on the poles pose different problems altogether. MECO does not execute agreements with municipalities for municipal fire alarm systems, because municipalities reserve the right to place fire alarm systems on poles as a condition of the grant of location for the poles. MECO may request that the municipality transfer the fire alarm system, but MECO has no enforcement rights to effect the transfers nor any ability to perform such transfers on the municipalities' behalf.

III. Status of Double Poles at Massachusetts Electric Company

A. Double Pole Figures

As of October 6, 2003, as reported by PLM, approximately 11,694 double poles exist in MECO's system. Of these 11,694 double poles, 529 are ready for removal by MECO and 1,997 are ready for MECO to transfer its facilities. These numbers represent an increase of approximately twenty percent in the number of double poles (1,924 poles) in MECO's service territory and a four percent decrease in the number of poles (100 poles) awaiting action by MECO, as compared to the numbers reported by PLM in February 2003 when MECO first began using PLM. This period includes the summer construction season when most pole sets occur. During this period, approximately 3,574 doubled poles were set and approximately 2,013 doubled poles were removed. These

figures include both poles that are solely owned by MECO and poles that are jointly owned by MECO and Verizon MA.

The double pole statistics by municipality requested by the Department are being submitted separately by Verizon MA in a single consolidated report. Please see the Attachment filed by Verizon MA in response to DTE Questions 3 (a) and (c). The Attachment was derived from the PLM “Double Pole Progress Report” for Massachusetts, compiled in coordination with MECO, Verizon MA, NSTAR, Western Massachusetts Electric Company, and Fitchburg Gas and Electric Company (together, the “Filing Utilities”), and was filed by Verizon MA on behalf of the Filing Utilities. This Attachment includes the following information, by municipality, for the period beginning February 1, 2003 to October 14, 2003: (1) a combined list of all jointly and solely owned double poles and (2) separate lists of solely owned double poles for each individual Filing Utility. It should be noted that the column labeled “Poles Completed” identifies the number of poles removed during this period. Based upon the reports and information currently available from PLM, the utilities cannot segregate the current double pole inventory into the categories of: (i) the double poles that existed in each municipality prior to the implementation of PLM and continue to exist today; (ii) the double poles that were created in each municipality subsequent to PLM’s implementation and continue to exist today; and (iii) the aggregate number of double poles created prior to the implementation of PLM that continue to exist today.

B. Policies and Practices to Reduce Double Pole Accumulation

MECO is working actively to address the double pole issue and has taken several steps that demonstrate its commitment to resolving the situation. First, MECO has hired a contractor to remove poles that are ready for removal by MECO. This ongoing contract will cover work on the existing backlog of poles that are currently ready for removal and the poles that become ready for removal in the future. MECO also has a contract for pole transfer work out for bid to contractors. As with the pole removal contract, this contract will cover work on the existing backlog of poles that are currently ready for transfer and the poles that become ready for transfer in the future. Second, MECO believes that an internal policy change promoting greater use of the “cut and kick” method of pole replacement, described in greater detail in Section VI(B), will be an invaluable tool in controlling the proliferation of double poles in its service territory. Finally, MECO is utilizing PLM to help manage its double poles and is participating in the PLM Working Group to improve PLM’s performance and functionality for all involved parties. MECO firmly believes that proper utilization of PLM by all involved parties will effectively reduce the number of double poles in MECO’s service territory. MECO will continue to provide the Department with updates on the PLM application and the anticipated reduction in doubled poles as part of its quarterly reliability reports.

IV. Status of Pole Lifecycle Management System

MECO has worked closely with Inquest, the PLM system administrator, and the other pole owners in Massachusetts, including Verizon MA, NStar, Western Massachusetts

Electric Company, and Fitchburg Gas & Electric Company, to establish a common database for the purpose of tracking double pole locations and transfer status for each company attached to these poles, notifying these attaching companies of their obligations via email, and providing reporting and management tools. The loading of data from distinct MECO and Verizon MA databases, data scrubbing, and the elimination of duplicate pole records in PLM was completed in February 2003, and MECO has been utilizing PLM since then. PLM is now being used to track new double poles as they are set by either MECO or Verizon MA, provide updates on the transfer status of the facilities on each pole, alert users of the attacher with the current “ball-in-court” responsibility for facilities transfer, and generate electronic correspondence automatically to the attacher with the current “ball-in-court” transfer responsibility, all in real-time. Users also have the ability to print out reports containing this information.

Over the life of each double pole tracked in PLM, information is entered into the system on at least five separate occasions by at least three separate entities. Each pole has data entered into PLM when: (i) the double pole is set, (ii) electric facilities are transferred, (iii) cable television facilities are transferred, (iv) telephone facilities are transferred, and (v) the last piece of wood is removed. When a pole has municipal fire alarm system facilities, cable television company facilities, telecommunications service provider facilities, or other private attachments, the transfer of these facilities are additional steps for which data must be entered into PLM. Information on pole sets and removals is entered by the pole-owning Electric and Telephone Utilities. Information on transfers of facilities is entered by Electric and Telephone Utilities, cable television companies, telecommunications service providers, and some fire departments. Electric and Telephone Utilities, as pole owners, enter the transfer information for most fire departments and all private attachers.

The number of parties, the multiple data entry points, and the sheer amount of data involved requires active participation and commitment by all parties involved, because the usefulness of PLM is dependent on each of the parties involved using the system in a timely, accurate, and consistent manner. As with the introduction of any new complex system requiring accurate data inputs and active participation by many different parties, the full potential of the system will take time to be realized fully. To that end, MECO is part of the PLM Working Group’s ongoing efforts to increase the system’s usefulness and fine-tune its performance and functionality. MECO believes that a fully functional PLM system, along with the other recommendations made in these Written Comments, will effectively address the double pole issue.

V. Double Pole Issues Must Be Managed at Statewide Level

Utilities need consistent rules and processes to ensure uniform and efficient utility services to the public throughout the many communities they serve. Municipalities have argued that double poles are a local issue, but this is simply not true. Double poles are a statewide issue with local impact. Many of the pole replacements that create double poles happen as part of facilities upgrades or expansions by one of the attaching parties. The electric, telephone, cable television, and telecommunications systems attached to

poles serve customers throughout many municipalities. A project by one of these companies to upgrade and expand its system will often reach across multiple municipalities and allow the upgrading company to offer new services and improved reliability to its customers. Improved electric service reliability, implementation of new telephone and cable television technologies, and system development by new telecommunications service providers are important goals to be promoted by the Department. All of these goals would be put at risk by local regulation of double poles allowing one municipality to affect the services of many surrounding municipalities.

Local enforcement will inevitably produce a patchwork quilt of inconsistent local rules that will make compliance extraordinarily difficult. Electric, telephone, and cable television companies each operate in many municipalities across the Commonwealth. MECO, for example, operates in 168 cities and towns in the Commonwealth. More importantly, MECO's compliance with 168 sets of different rules and requirements for double poles would not improve MECO's ability to address the double pole issue. To the contrary, the resources expended by MECO in complying with 168 different sets of municipal double pole regulations could negatively impact MECO's other areas of service, such as MECO's reliability initiatives. Utilities need a consistent set of statewide practices for double poles.

Finally, most, if not all, of the cities and towns in the Commonwealth do not have the resources to monitor, administer, or enforce double pole regulations adequately. In an economic environment where Massachusetts municipalities are struggling with budget shortfalls and reductions in state aid, municipal oversight and regulation of double poles is not a viable option.

VI. Process Recommendations

MECO makes the following recommendations to improve the process of managing double poles:

A. Maximize the Benefits of PLM

The PLM system has great potential for helping to improve the performance of all involved parties in managing double poles. The power of the system lies in improved communications and coordination of transfer work through PLM's ability to notify each attacher on a pole of its transfer obligations as soon as that pole becomes ready for work by that attacher. To realize that potential, data entry by each party must be accurate and timely. Now that the initial implementation of PLM is complete, it is time for each pole owner and attacher, as part of the PLM Working Group, to revisit the procedures defined when PLM was implemented to ensure that the information the parties share is accurate and timely.

In addition, the PLM Working Group should continue to work on improvements to the processes of its users and upgrades to the system itself. The Department has already suggested that second notices be put in place for transfers that have not been

completed in time, and information requests by the Department have pointed out areas where the statistical reporting functions of the system can be improved. During the process of fine-tuning PLM to improve its functionality, one should bear in mind that PLM was designed as a tool for double pole management, rather than as a statistical reporting tool.

B. Utilize “Cut and Kick” Whenever Feasible

Pole replacements may be performed in one of two ways, but poles should be replaced by the “cut and kick” method whenever feasible. In the conventional method of pole replacement, a new pole is set in a new hole alongside an existing pole, the existing pole butt is pulled from the ground when all of the facilities are transferred to the new pole, and the hole is backfilled with soil. In the “cut and kick” method of pole replacement, the existing pole is held in place and cut above the groundline, the existing pole butt is pulled from the ground, the new pole is set in the same hole, the old pole is attached to the new pole, sections of the existing pole are removed from the top down in conjunction with the transfer of facilities to the new pole, and the last piece of wood is removed by the last party to transfer facilities to the new pole. The “cut and kick” method requires more work initially at the time the new pole is installed, but has the advantage of eliminating a separate trip to remove the existing pole butt after all facilities transfers are completed. The “cut and kick” method can also eliminate later separate trips to the pole location to repair sidewalks. About half of all pole replacements can be performed by the “cut and kick” method, although the “cut and kick” method cannot be used for poles being relocated for a road project, for replacing damaged poles, or for certain poles with large equipment installations.

VII. **Legislative Recommendations**

MECO makes the following legislative recommendations to improve the management of double poles:

A. MECO Proposals

The Department has already taken proactive steps to resolve double pole issues, and these steps should be given the opportunity and the necessary time to produce the desired results before additional regulatory or legislative steps are taken. The Department has already been instrumental in the implementation of PLM, and the system is now being used to track and manage double poles within the Commonwealth. PLM involves many users and large amounts of data, and the system requires time to get all components working smoothly. The Department can and should use PLM to monitor double poles, including the performance of all parties in managing transfers, notifications, and pole removal. MECO strongly recommends regulatory and legislative restraint at this time to allow pole owners and attachers an opportunity to demonstrate their ability to manage double poles using the PLM system.

If the Department determines that further regulatory or legislative action is required, the Department should monitor transfer, notification, and pole removal performance of all parties attached to poles, not just the pole owners. Removing a double pole requires action and notification by all parties attached to a pole, not just by the pole owners. Any performance measures established by the Department must take this into account and evaluate the length of time each party takes in performing its transfers, notifications, and pole removals. Any enforcement action taken by the Department should be directed at the party responsible for the delay, although even the determination of responsibility for a delay can be a very complex matter. Reasonable exceptions to any deadlines imposed by the Department must be made for work stoppages, major storms and weather events, seasonal weather constraints, and DOT, local, or regulatory limitations on the work to be performed. In addition, the Department should consider giving pole owners explicit authority to transfer, at an attachers' expense, the facilities of any attacher that fails to meet its transfer obligation in a timely manner.

As discussed above, regulatory control and enforcement of double poles should be statewide. Utilities need consistent rules and processes to ensure uniform and efficient utility services to the public throughout all of the communities they serve in the Commonwealth. Local enforcement will inevitably produce a patchwork quilt of inconsistent local rules that will make compliance by the utilities both impracticable and extraordinarily difficult.

B. Lexington Proposal on Fines

At the Public Hearing and Technical Conference held by the Department in this docket, the town of Lexington proposed that towns be granted the authority to fine pole owners for double poles that are not removed within ninety days. MECO strongly opposes this proposal for a number of reasons.

Fining pole owners solely is unfair to the pole owners when much of the transfer work that must be done before poles can be removed is outside their control. Utilities could try to recover these fines from the attaching entities that created the delays, but doing so would inevitably lead to endless disputes at the Department between pole owners and attachers. On the other hand, if towns try to fine the party responsible for the delay, the administrative burden would fall to the town to determine the party responsible for the delay.

The town of Lexington also proposed that municipalities be allowed to levy fines and apply them as credits to utility bills, arguing that this would ease a municipality's administrative burden of imposing and collecting fines from pole owners. While this proposal may simplify a municipality's administrative burdens, it allows a municipality to confiscate utility property without due process.

C. Lexington Proposal on Town Removal Authority

At the same Public Hearing and Technical Conference held by the Department in this docket, the town of Lexington also proposed that towns be granted the authority to complete facilities transfers and remove double poles at the utilities' expense. MECO strongly opposes this proposal for a number of reasons.

First, safety is always the foremost concern when any work is performed on or near electric facilities. Moreover, safety concerns with work performed on electric facilities do not end with the completion of a specific job. Long after that work is completed, the public and the workers of any parties attached to the pole will rely on, and the municipality will be responsible for, the quality of the work performed by the municipality. Municipalities are not in the business of maintaining or working on utility poles and do not have the experience or expertise to perform this work, nor to contract for and adequately supervise a contractor in the performance of this work.

Second, the work performed by the municipality will affect the reliability of all services provided by companies utilizing the pole. This is due, in no small part, to the significant technical issues confronted by a municipality in performing transfer work and removing double poles. On any given pole, a municipality performing transfers would have to work on electric primary and secondary wires and equipment, fire alarm systems, cable television systems, fiber optic cables, and telecommunications service provider systems. Each system is built to its own unique specifications, using different materials and construction methods. Municipalities will have a difficult time finding a contractor with the appropriate materials, tools, and qualifications to work on each of these very different systems.

Similar to its proposal regarding fines, the town of Lexington proposed that municipalities be allowed to apply any costs incurred in completing facilities transfers and removing poles as credits to its utility bills, arguing that this would ease a municipality's administrative burden of collecting these costs from pole owners. As with the town's proposal concerning fines, this proposal may simplify a municipality's administrative burdens but allows a municipality to confiscate utility property without due process.

VIII. Conclusion

In conclusion, MECO urges the Department to adopt the following recommendations:

A. Double Poles Must be Managed on a Statewide Basis

Utilities need consistent rules and processes to ensure uniform and efficient utility services to the public throughout the many communities they serve. Local enforcement will inevitably produce a patchwork quilt of inconsistent local rules that will make compliance both impracticable and extraordinarily difficult. Utilities need a consistent set of statewide practices for double poles. Cities and towns in the Commonwealth do

not have the resources to monitor, administer, or enforce double pole regulations adequately. For each of these reasons, double pole issues must be managed on a statewide basis.

B. Process Recommendations

The PLM database has great potential for helping to improve performance in the management of double poles through improved communications and coordination of facilities transfer work. Each pole owner and attacher must revisit its use of PLM to ensure that the information parties share is accurate and timely.

The PLM Working Group should continue to work on improvements to the processes of its users and upgrades to the system itself, as well as improving the system's statistical reporting.

C. Legislative Recommendations

MECO strongly recommends regulatory and legislative restraint at this time to allow pole owners and attachers an opportunity to demonstrate their ability to manage double poles using the PLM system.

If the Department decides that further regulatory or legislative action is required, any performance measures established by the Department must evaluate the length of time each party takes to perform its transfers, notifications, and pole removals. Any enforcement action taken by the Department should be directed at the party responsible for the delay.

Respectfully submitted,

MASSACHUSETTS ELECTRIC COMPANY
NANTUCKET ELECTRIC COMPANY

By their attorney,

Judy Y. Lee
25 Research Drive
Westborough, MA 01582
(508) 389-2562

Dated: October 20, 2003

THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

Report of the Department of
Telecommunications and Energy
relative to reducing the number
of double utility poles within
the Commonwealth, pursuant to
Chapter 46 of the Acts of 2003,
Section 110.

D.T.E. 03-87

APPEARANCE OF COUNSEL

In the above-entitled proceeding, the following attorney appears for and on behalf
of Massachusetts Electric Company and Nantucket Electric Company.

Judy Y. Lee, Esq.
National Grid USA
25 Research Drive
Westborough, MA 01582
(508) 389-2562

Judy Y. Lee, Esq.

October 20, 2003